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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/916,276

07/30/2001

Tsuguo Maru

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04/06/2005

MCI, INC
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW, 10TH FLOOR
WASHINGTON, DC 20036

EXAMINER

NGUYEN, SON XUAN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No.	Applicant(s)	
	09/916,276	MARU, TSUGUO	
	Examiner	Art Unit	
	SON X. NGUYEN	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Toshifumi Sato (U.S 6,130,884) hereinafter referred to as Sato.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 3, Sato disclose a base station for use in a CDMA cellular system having a plurality of mobile stations and a plurality of base stations, which comprises: means for generating a plurality of short codes which are orthogonal with each other **(Each spread code generation means 109 in each channel transmission processing unit generates second spread code, short code, as far as they are orthogonal to each other; See Fig. 1 and lines 55-57 of column 3)**; and means for transmitting, to said plurality of mobile stations, data containing one of said plurality of short codes and a long code inherent to the base station **(A spread means 112 spread transmission signal from addition/combine means 111 with long code from a spread code generation means 114 and modulation means 113 outputs these signal to antenna; See Fig. 1 and lines 21-29 of column 3)**.

Allowable Subject Matter

3. Claims 1-2, 4-14 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claims 1, 2, 4 and 5 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose **correlators for correlating the received data with said plurality of short codes to detect said one of said plurality of short codes contained in said received data;**

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and means for screening candidates for the received long code on the basis of

the detected short code. It is noted that the closest prior art, Toshifumi Sato (U.S. 6,130,884) shows a The invention provides a variable rate CDMA spread circuit which can obtain a sufficient number of spread codes (i.e., channels) orthogonal to each other in a mobile communication system which employs the CDMA scheme and has a plurality of channels of different bit rates. However, Sato fails to disclose or render obvious the above underlined limitations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Toshifumi Sato (U.S. 6,130,884) Variable rate CDMA spread circuit.
- b) Stilwell et al. (U.S. 6,137,773) Method and apparatus for CDMA code domain parameter estimation.
- c) Fukawa et al. (U.S. 6,128,332) Spread spectrum transmitter and receiver employing composite spreading codes.
- d) Dahlman et al. (U.S. 5,896,368) Multi-code compressed mode DS-CDMA systems and methods.

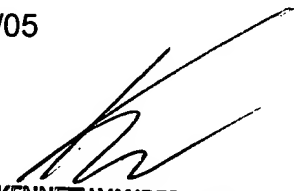
e) Dahlman et al. (U.S 5,883,899) Code-rate increased compressed mode DS-CDMA systems and methods.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON X. NGUYEN whose telephone number is 571-272-6048. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Xuan Nguyen 4/1/05



KENNETH VANDERPUYE
PRIMARY EXAMINER